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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,232	08/03/2001	Rajko Milovanovic	TI-32647	9094
23494	7590	07/28/2005	EXAMINER	
TEXAS INSTRUMENTS INCORPORATED			CHANG, SHIRLEY	
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DALLAS, TX 75265			PAPER NUMBER	
			2614	

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/923,232		MILOVANOVIC ET AL.	
	Examiner		Art Unit	
	Shirley Chang		2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-5, 7-14, and 16-34 are rejected under 35 U.S.C. § 102(b) as being anticipated by Merjanian (5,920,642).

As to claim 1, Merjanian discloses:

a data acquisition device for acquiring data related to a user without active user input or participation ('The prompt for entering fingerprint data may be a transparent step as part of a menu selection process' (column 11, lines 18-46)),

the device including a sensor located therein (The ergonomic reader 200 may be used as a wireless controller, as previously described. Again, the ergonomic reader 200 of FIG. 7 includes an aperture 48 within the first surface 246 so that the platen 30 is exposed so that fingerprint data may be acquired from the operator's digit 32" (column 8, lines 8-22)).

and an apparatus capable of presenting customized content to the user, the customized content being related to the acquired data related to the user ('The display or step is preferably programmed into the set-top box by way of software to appear whenever

Art Unit: 2614

identification or authentication is required, for example, to obtain access or to restore operator preferences. Confirmation of the validation may be by completing the channel selection, for example, allowing access to a restricted channel, or, in the case of programming that is to appear at a later time such as a pay-per-view movie that starts at the beginning of the next hour, by an icon or text on the screen' (column 8, lines 8-22)). Also, "the authentication remote control according to the invention may provide operator identification for restoring operator preferences including: pre-stored settings for audio (bass, treble, etc.), video (color, hue brightness), favorite channels, operator-tailored menus, viewing habits, etc. For example, the channels of particular interest to each individual, the so called "favorite channels" or channel priority configurations can be stored within a storage means in the set-top box (or side-car attached thereto) so that the individual can restore these configurations by informing the system that he or she is now in control of the authentication remote, as by inputting his or her fingerprint data on the platen 30" (column 11, lines 54-65).

As to claim 2, Merjanian discloses:

data acquisition device is selected from the group consisting of a video camera, a microphone, a finger print identification system (met as discussed in claim 1), a retinal scan device, a DNA matching device and combinations thereof.

As to claim 3, Merjanian discloses:

The apparatus is a television set (met as discussed in claim 1).

As to claim 4, Merjanian discloses:

Art Unit: 2614

the apparatus is selected from the group consisting of a radio, a laptop computer, a desktop computer, a personal digital assistant, and a telephone ("Also, the term "receiving device" as used hereinabove includes (1) set-top controllers, controller/descramblers, and (2) any other device not physically connected by wire or optical cable to the fingerprint reader which is equipped with an infrared or radio frequency receiver, for example, a computer, modem, multiplexer, etc." (Column 12, lines 38-56)).

As to claim 5, Merjanian discloses:

a recognition technology device coupled to the data acquisition device, the recognition device receiving the data related to the user and generating identifying information related to the user from the acquired data (met as discussed in claim 1).

As to claim 7, Merjanian discloses:

the recognition technology device is located in a set top box coupled to a television set ("personal identification number (PIN) that may then be passed to a processor in the set-top box for comparison and identification... The remote control determines when it has an adequate fingerprint image by locally performing processing, analysis, or both, and then transmits the image to the receiving device. The receiving device then notifies the operator that the fingerprint data has been received for validation by an on-screen icon, text, or by transmitting a signal to the remote control that indicates that the fingerprint data has been received. The comparison data is stored in reduced form in a storage device within the set-top box" column 8, lines 8-22)).

Art Unit: 2614

As to claim 8, Merjanian discloses:

the recognition technology device comprises extraction and matching technology and a template database (met as discussed in claim 7).

As to claim 9, Merjanian discloses:

the system is coupled to a content provider system, the content provider system using the data related to the user to customize the content presented by the apparatus (met as discussed in claim 1).

As to claim 10, Merjanian discloses:

means for acquiring data related to a user without active user input or participation (met as discussed in claim 1)

the means for acquiring data including a sensor located therein (met as discussed in claim 1);

and means for presenting customized content to a user in response to parameters associated with recognition of the user (met as discussed in claim 1).

As to claim 11, Merjanian discloses:

means for receiving the data related to the user and generating identifying information related to the user from the acquired data (met as discussed in claim 5)

As to claim 12, Merjanian discloses:

Art Unit: 2614

a sensor capable of acquiring data related to a user without active user input or participation (met as discussed in claim 1);

a processor communicatively coupled to the sensor ("The remote control determines when it has an adequate fingerprint image by locally performing processing, analysis, or both, and then transmits the image to the receiving device. The receiving device then notifies the operator that the fingerprint data has been received for validation by an on-screen icon, text, or by transmitting a signal to the remote control that indicates that the fingerprint data has been received" (column 11, lines 18-46).

the determining characteristics of the user based upon the acquired data (met as discussed in claim 1);

and a display providing content to be viewed by the user (met as discussed in claim 1);

the content being customized for the user based upon the characteristics determined by the processor (met as discussed in claim 1);

As to claim 13, Merjanian discloses:

the sensor is embedded in a remote control device ("The remote control determines when it has an adequate fingerprint image by locally performing processing, analysis, or both, and then transmits the image to the receiving device. The receiving device then notifies the operator that the fingerprint data has been received for validation by an on-screen icon, text, or by transmitting a signal to the remote control that indicates that the fingerprint data has been received" (column 11, lines 18-46);

Art Unit: 2614

the remote control device being capable of providing signals to control the display (met as discussed in claim 1).

As to claim 14, Merjanian discloses:

the sensor comprises a fingerprint sensor (met as discussed in claim 1).

As to claim 16, Merjanian discloses:

the processor is part of a set top box ("The previously described ergonomic readers, in particular, those of FIGS. 5-8A, can be used to identify fingerprint data or biometrics with particular operators to validate the operator and generate, for example, a personal identification number (PIN) that may then be passed to a processor in the set-top box for comparison and identification" (column 11, lines 18-24)).

As to claim 17, Merjanian discloses:

the characteristics of the user comprise the identity of the user (met as discussed in claim 1).

As to claim 18, Merjanian discloses:

the characteristics of the user comprise at least one of the age and gender of the user ("The aforementioned other data may include name, address, age, fingerprint data, any prior enrollment and duration thereof, relation to the other person, etc." (column 10 line 61 to column 11, line 16)).

As to claim 19, Merjanian discloses:

Art Unit: 2614

collecting user data without active identification measures by the user; determining characteristics of the user from the collected user data; and providing customized content to the user based upon the determined characteristics (met as discussed in claim 1).

As to claim 20, Merjanian discloses:

the user data comprises voice data (met as discussed in claim 2).

As to claim 21, Merjanian discloses:

the data comprises finger print data (met as discussed in claim 2).

As to claim 22, Merjanian discloses:

the data comprises video data (met as discussed in claim 2).

As to claim 23, Merjanian discloses:

collecting identifying characteristics data of the user utilizing sensor technology (met as discussed in claim 1);

extracting the data from the sensor technology (met as discussed in claim 8);

matching the data to a data template (met as discussed in claim 8).

As to claim 24, Merjanian discloses:

Art Unit: 2614

The method of claim 19 and further comprising: transferring the characteristics of the user to a content provider; and receiving the customized content from the content provider (met as discussed in claim 9).

As to claim 25, Merjanian discloses:

the content provider performs the step of determining characteristics of the user from the collected user data (met as discussed in claim 12);

As to claim 26, Merjanian discloses:

the customized content is customized based upon the age and/or gender of the user (met as discussed in claim 18);

As to claim 27, Merjanian discloses:

the customized content comprises video content (met as discussed in claim 2);

As to claim 28, Merjanian discloses:

the user data is of a type selected from the group consisting of voice, video, and fingerprint data (met as discussed in claims 2 and 20);

As to claim 29, Merjanian discloses:

a housing ("The specific shape chosen for a particular application being a matter of design choice, all that is important to the invention is that the housing be provided with a prehensile shape" (column 5, lines 48-59));

Art Unit: 2614

electronic circuitry disposed within the housing ("FIG. 4 also depicts the physical relationship among the assembled components that constitute the uneven surface detection system 62 of FIG. 3. In particular, the printed circuit board 66 and optical plate 64 assembly are secured in position by the tape 78 immediately below the planar surface 46. In addition, the platen 30 is shown aligned with the aperture 48 so that a digit 32 placed on the top surface 31 of the platen 30 can provide input data to an image sensing device 68 mounted on the printed circuit board 66 along with a complement of other electronic components 70A, B, . . . N" (column 6, line 63 to column 7, line 6).

a signal transmitter disposed within the housing ("The remote control determines when it has an adequate fingerprint image by locally performing processing, analysis, or both, and then transmits the image to the receiving device. The receiving device then notifies the operator that the fingerprint data has been received for validation by an on-screen icon, text, or by transmitting a signal to the remote control that indicates that the fingerprint data has been received" (column 11, lines 18-46);

a plurality of control keys disposed on an outer surface of the housing, at least some of the control keys operable by hand ("the ergonomic reader 200 has a plurality of buttons 212...the fingerprint data may be acquired from the operator's digit 32" (column 8, lines 8-22));

and a fingerprint sensor disposed on an outer surface of the housing ("the ergonomic reader 200 of Fig. 7 includes an aperture 48 within the first surface 246 so that the

Art Unit: 2614

platen 30 is exposed so that the fingerprint data may be acquired from the operator's digit 32" (column 8, lines 8-22));

As to claim 30, Merjanian discloses:

the fingerprint sensor is embedded in one of the control keys (The ergonomic reader 200 may be used as a wireless controller, as previously described. Again, the ergonomic reader 200 of FIG. 7 includes an aperture 48 within the first surface 246 so that the platen 30 is exposed so that fingerprint data may be acquired from the operator's digit 32" (column 8, lines 8-22)).

As to claim 31, Merjanian discloses:

a user of remote control device can be identified by his/her fingerprint when operating the one of the control keys ("The set-top box may restrict access to any of the following: up-front payment services including pay-per-view channels or special events; adult programming; parentally-controlled channels; home shopping services. However, the "authentication remote controls" of FIGS. 5-8A of the invention can be used to identify particular operators and allow them to access such restricted services" (column 11, lines 47-65)).

As to claim 32, Merjanian discloses:

the remote control device comprises is a television remote control for controlling a television set (met as discussed in claim 31).

As to claim 33, Merjanian discloses:

the fingerprint sensor is integrated within a thumb operated cross configuration ("The term "fingerprint" as used in this specification refers to the ridge and groove patterns found on the digits of either hand, including the pinky, ring, middle, and index fingers as well as the thumb" (column 12, lines 38-45)).

As to claim 34, Merjanian discloses:

the fingerprint sensor is implemented on the remote control device as an activation key (met as discussed in claim 1).

Claim Rejections - 35 U.S.C. § 103

11. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Merjanian (5,920,642) in view of Lownes et al. (6,137,539).

As to claim 6,

Merjanian teaches "The previously described ergonomic readers, in particular, those of FIGS. 5-8A, can be used to identify fingerprint data or biometrics with particular

Art Unit: 2614

operators to validate the operator and generate, for example, a personal identification number (PIN) that may then be passed to a processor in the set-top box for comparison and identification" (column 11, lines 18-24)), the recognition device is effectively in the television. Although Merjanian does not specifically teach "the recognition technology device located within a television set," Lownes et al. teaches that "In this system configuration, a digital television receiver 90, which, in the exemplary embodiment of the invention, is a set-top box (STB)" (column 2, lines 50-65). Accordingly, it would have been clearly obvious to one of ordinary skill in the art to modify the Merjanian reference to include a "the recognition technology device located within a television set," so as to allow a combination digital television set-top box, allowing a user to operate a unitary device.

As to claim 15,

the processor is disposed within the same housing as the display (since the processor is part of a set top box (discussed in claim 6), and the set top box is in the same housing as the display (discussed in claim 16)).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shirley Chang whose telephone number is (571) 272-8546. The examiner can normally be reached on 8:30-5:00 M-F.

Art Unit: 2614

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SC


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